

SENATE BILL NO. 25

INTRODUCED BY R. HOLDEN

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT AN ACT OR CONDUCT CONSTITUTING INCITEMENT TO RIOT MAY INCLUDE AN ACT OR CONDUCT THAT INCLUDES BURNING THE FLAG OF THE UNITED STATES; AND AMENDING SECTION 45-8-104, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 45-8-104, MCA, is amended to read:

"45-8-104. Incitement to riot. (1) A person commits the offense of incitement to riot if ~~he~~ the ~~person~~ person purposely ~~and knowingly~~ commits an act or engages in conduct, including an act or conduct that includes burning the flag of the United States, that urges other persons to riot. ~~Such act or conduct shall not include the~~ The mere oral or written advocacy of ideas or expression of belief ~~which advocacy or expression that~~ does not urge the commission of an act of immediate violence does not constitute incitement to riot.

(2) Except as provided in subsection (3), a person convicted of the offense of incitement to riot shall be fined an amount not to exceed \$500 or be imprisoned in the county jail for a term not to exceed 6 months, or both.

(3) A person who commits the offense of incitement to riot while incarcerated at ~~any~~ a state adult correctional facility shall be imprisoned for not less than 1 year or more than 5 years."

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